

Docket No: CELG-0121

PATENT

A'cont
3
~~3~~. (Amended) The unit dosage of claim *9*¹ comprising from about 2½ to about 12 milligrams of D-threo-methylphenidate.

4
~~4~~. (Amended) The unit dosage of claim *9*¹ in a form suitable for oral administration.

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~~1~~
Please add new claim 9 as indicated below:

9
~~9~~. (New) A pharmaceutical unit dosage comprising from about 1 to about 50 milligrams of D-threo-methylphenidate or a pharmaceutically acceptable salt thereof, said dosage having less than 10% by weight of other stereoisomers of methylphenidate or the salt thereof.--

REMARKS

Prior to the present amendment, claims 1-8 were pending in this application. Claims 1, 2, 7 and 8 have been canceled without prejudice to their presentation in a continuing application. Claim 3 has been rewritten in independent form as new claim 9, and dependencies of claim 4, 5 and 6 have been amended accordingly. No new matter has been added.

Applicants submit herewith a terminal disclaimer over any patent granted from copending application Ser. No. 09/337,310, thus rendering the prior rejection over claim 11 of said application levied in the Office Action dated August 8, 2000 moot.

Applicants thank the Examiner for the courtesy afforded Applicants' undersigned attorney in a telephone conversation on July 18, 2001 in which the present amendment was discussed. In accordance with that discussion, Applicants have amended claims to subject matter that the Examiner had indicated would be allowable. Accordingly, it is respectfully submitted that this application is now in condition for allowance, and an indication of allowability and an early Notice of Allowance are respectfully requested.

Docket No: CELG-0121

PATENT

Attached hereto is a marked-up version of the changes made to the specification and claims by the current amendment. The attached page is captioned "VERSION WITH MARKINGS TO SHOW CHANGES MADE."

Respectfully submitted.



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Date: July 19, 2001

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Docket No: CELG-0121**PATENT****VERSION WITH MARKINGS TO SHOW CHANGES MADE**

Claims 1, 2, 3, 7 and 8 have been canceled.

Claims 4, 5 and 6 have been amended as indicated below:

4. (Amended) The unit dosage of claim [2] 9 comprising from about 2 to about 20 milligrams of D-threo-methylphenidate.

5. (Amended) The unit dosage of claim [2] 9 comprising from about 2½ to about 12 milligrams of D-threo-methylphenidate.

6. (Amended) The unit dosage of claim [3] 9 in a form suitable for oral administration.

Claim 9 has been added as indicated below:

--9. (New) A pharmaceutical unit dosage comprising from about 1 to about 50 milligrams of D-threo-methylphenidate or a pharmaceutically acceptable salt thereof, said dosage having less than 10% by weight of other stereoisomers of methylphenidate or the salt thereof.--